

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HORACE MILTON BLACK,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 2:05-cv-1178-WKW
	)	(WO)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

After an independent and *de novo* review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

- (1) The objection filed by the petitioner on December 12, 2006 (Doc. # 41) is overruled and the motion to rehear is denied;
- (2) The recommendation of the United States Magistrate Judge entered on November 30, 2006 (Doc. # 40) is adopted. The Magistrate Judge carefully weighed the conflicting testimony, and conscientiously explained her conclusions, which this court finds supported by the record;
- (3) The 28 U.S.C. § 2255 motion filed by the petitioner is DENIED; and
- (4) The above-styled case is DISMISSED.

An appropriate judgment shall be entered.

DONE this 20th day of December, 2006.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE